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The Honorable William E. Kennard
Chairman
Federal Communications Commission
445 Twelfth Street, S.W., Room 8-B201
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

Joint Written *Ex Parte* Presentation of NENA and CTIA, WT Docket No. 94-102

Dear Chairman Kennard:

The National Emergency Number Association (NENA) and the Cellular Telecommunications Industry Association (CTIA) jointly urge the Commission to refrain from modifying its rules governing wireless enhanced 9-1-1 ("E9-1-1") implementation. We strongly believe that modification of the E9-1-1 rules is unlikely to speed implementation and may actually hinder it. Moreover, elimination of the cost recovery requirement will have a negative impact on the deployment of wireless E9-1-1.

All parties to this proceeding understand the importance of 9-1-1 services to the public, and nearly all parties have recognized that effective cost recovery mechanisms are essential to the deployment of E9-1-1. We submit that the cost recovery language contained in the Commission's current rules has proven to be an effective incentive that has brought carriers and PSAPs together in supporting legislation at the state level that meets their needs as well as serves the public. As you know, the majority of the 50 states have passed cost recovery legislation under this model.

We believe that removal of the cost recovery requirement will trigger a number of unintended consequences, while doing nothing to stimulate implementation of wireless E9-1-1. Removing the cost recovery language will eliminate the predicate for speedy legislative action in those states that have not passed funding legislation. In states that have passed funding legislation, removal of the cost recovery requirement creates a reason to revisit and reopen legislation built on a consensus of PSAP and wireless carrier cooperation that the Commission risks undoing. Moreover, changing the cost recovery requirement will create uncertainty and upset the on-going negotiations between PSAPs and carriers for Phase I location services, as well as place at risk pending state legislation premised on the existing cost recovery requirement. These consequences will lead to more implementation delays.

PSAPs and wireless carriers have worked diligently to ensure that the proper foundation is in place to implement Phase I and Phase II wireless E9-1-1. To that end, more than 30 states have enacted wireless E9-1-1 legislation. Legislation is just the first step in the implementation process, however. A major component of E9-1-1 implementation is coordination among and between the various CMRS providers and individual PSAPs. State wireless E9-1-1 boards, established by legislation in many states, have been largely responsible for the coordination. Although PSAPs and state boards are actively engaged in the E9-1-1 implementation process, many PSAPs have yet to request Phase I information from CMRS carriers, although the number of requests, and implementation of wireless E9-1-1 services, is rapidly increasing. There are a

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number of operational, technical, and financial issues that must be resolved by PSAPs before they can utilize such information. As recognized by the parties to the Consensus Report:


The engineering, development, and deployment efforts required to upgrade the infrastructure for wireless E9-1-1 Phase I service could take well over a year, even if the financial impacts were understood, and funding or cost recovery were not an issue.¹

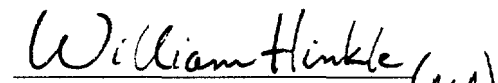
Thus, the delay associated with E9-1-1 implementation cannot be attributed solely to the need to adopt cost recovery rules.

As you know, Congress recently enacted the Wireless Communications and Public Safety Act of 1999. If the Commission alters its rules to eliminate the cost recovery requirements, it will lose its ability to oversee the adoption and implementation of state cost recovery mechanisms. This would be inconsistent with the goals of the new legislation, as well as Congress' directive to the Commission in section 3(b) to "encourage and support" state efforts to deploy end-to-end emergency communications infrastructure and programs. By removing the cost recovery requirement, the Commission is walking away from the only leverage it has to ensure that wireless and wireline carriers, the states, and the PSAPs, make the investments needed to provide wireless E9-1-1.

In short, PSAPs and wireless carriers have been working together with State legislatures to ensure that the groundwork is laid for an effective and timely implementation of E9-1-1. Elimination of the cost recovery requirement will *not* carry out the congressional objective of supporting these state efforts to establish a coordinated approach to E911 deployment; it will undermine them. We strongly believe that the elimination of the cost recovery requirement, no matter how well intentioned, would have the unintended consequence of hindering the deployment of wireless E9-1-1 service. Accordingly, on behalf of the PSAP and carrier members of our two Associations, we urge the Commission to not eliminate the cost recovery rules.

Respectfully submitted,


Thomas E. Wheeler
President/CEO, CTIA


William H. Hinkle (MA)
President, NENA

cc: The Honorable Susan Ness
The Honorable Harold Furchtgott-Roth
The Honorable Michael Powell
The Honorable Gloria Tristani
Thomas Sugrue
Magalie Roman Salas

¹ See Consensus Report, at 16.